



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,548	03/01/2002	Sarid Shefet	9281-7	2210

20792 7590 06/23/2003

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER

YEUNG, GEORGE CHAN PUI

ART UNIT	PAPER NUMBER
----------	--------------

1761

3

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,548

Applicant(s)

Shefet et al

Examiner

George P. Young

Group Art Unit

1761

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-58 ☒ are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 58 ☒ is/are rejected.
- ☒ Claim(s) 1-58 ☒ are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

DETAILED ACTION

The specification is objected to because it fails to identify the serial number of the U.S. provisional application as referred to on page 12, line 28. Correction is required.

Claims 1-58 are objected to because of the following informalities:

1. The term "the food" recited in claim 1, lines 9 and 13 and claim 2, line 5, should be changed to read -- the food item -- in order to be consistent with "food item" recited in claim 1, line 3, claim 3, line 2, and claim 4, line 5.

2. In claim 11, line 1, the article "a" should be changed to -- the -- (see the recitation of "a plurality of vertically stacked tiers" in claim 2, lines 1-2, from which claim 11 indirectly depends).

3. In claim 29, line 1, the numeral "22" should be changed to -- 27 -- (note that no antecedent basis has been established in claim 27 for "the inner column of tiers recited in claim 29, line 1).

4. In claim 31, line 4, a comma should be inserted after "housing".

5. The term "a first side" recited in claim 31, line 10, and the term "a second side" recited in claim 31, line 12, should be changed to read -- a first side portion -- and -- a second side portion -- in order to provide antecedent basis for "the first side portion" and "the second side portion" recited in claim 34, lines 3-6.

6. In claim 34, line 2, the article "a" should be changed to -- the -- (see the recitation of "a plurality of stacked tiers" in claim 31, line 4, from which claim 34 depends).

7. In claim 42, line 4, the article "the", second occurrence, is superfluous and it should be deleted.

8. In claim 43, line 1, the words "wherein the", second occurrence, are superfluous and they should be deleted.

9. The term "the food" recited in claim 55, line 9, and the term "food" recited in claim 55, lines 22 and 44 should be changed to read -- the food item -- in order to be consistent with "the food item" throughout the claim.

10. In claim 55, line 19, the term "air" is superfluous and it should be deleted.

11. In claim 55, line 21, the phrase "the air distribution system" should be changed to read -- the gas distribution system -- (see line 11 of claim 55).

12. In claim 58, line 5, the article -- the -- should be inserted before "food".

13. In claim 58, line 6, the word "held" is superfluous and it should be deleted.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 58 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stewart et al or Troetscher. Stewart et al or Troetscher shows all the structural elements set forth in apparatus claim 58.

Art Unit: 1761

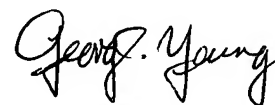
Claims 1-57 are free of the prior art. Claim 1-57 would be allowable if amended to overcome the objections set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner George C. Yeung whose telephone number is (703) 308-3848. The examiner can normally be reached on Monday-Friday from 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (703) 308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

G. C. Yeung/mn
June 22, 2003



GEORGE C. YEUNG
PRIMARY EXAMINER